

BOARD OF APPORTIONMENT PUBLIC HEARING
WEST MEMPHIS

WEDNESDAY, JANUARY 3, 2001

---O---

Midsouth Community College
2000 West Broadway
West Memphis, Arkansas

---O---

COURT REPORTER:

DONNA KAYE PETRE, CCR
Petre's Stenograph Service
Post Office Box 1027
Little Rock, Arkansas 72203-1027

1

* * * * *

2

P R O C E E D I N G S

3

* * * * *

4

WEDNESDAY, JANUARY 3, 2001

5

12:04 p.m.

6

* * * * *

7 MR. OLAN REEVES: I guess we will go
8 ahead and get started. We really appreciate
9 you all coming out today. My name is Butch
10 Reeves, I am on the Governor's staff. We
11 also have all three Board of Apportionment
12 members represented. Tim Humphries works at
13 Sharon Priest's office and Larry Crane works
14 at the Attorney General's office. And those
15 three people, the Governor, the AG and the
16 Secretary of State, make up the Board of
17 Apportionment who will draw the maps.

18 These are the 1990 current maps that we
19 are using. (Indicating.) And it will be
20 our job to help draft plans for the Board
21 to look at. We plan to repeat this process
22 once the draft plans are in draft form, if
23 you will, come back out to communities,
24 maybe not to West Memphis, but in this area
25 and have the draft plan for people to look
1 at, critique, and then sometime next fall,
2 have the Board vote on it.

3 Now, we do have a website, we have a
4 web page with a whole lot of information. I
5 noticed someone had printed it out. That
6 does have a lot of information on it. It
7 also has the timeline and the schedule of
8 when we hope to have things completed and
9 done. This is our website. (Indicating.)
10 You can actually log on and leave comments.

11 It is not really a chat line, it is just a
12 posting of comments. But we would like to
13 have your comments. Even if you didn't say
14 anything today, we would still like to have
15 your comments so the Board can see them.

16 We have a court reporter taking down
17 everything that is said. So, if you --
18 when we get to the question part, if you
19 have a question, please state your name,
20 otherwise, it is going to say "Unidentified
21 Man" or "Unidentified Woman". And we would
22 like to have your name so the Board will
23 know who you are.

24 Just a couple of quick things. We
25 will get the numbers that we will use to

3

1 draw the plans by the end of March. Now,
2 the Census Bureau will send them to us,
3 we will load them into our computer,
4 start working on the plan, hopefully by
5 Memorial Day have a draft plan posted on

6 our website so that you can look at it, so
7 that when we come back to your town or to
8 your area, you can either be happy, or be
9 upset and be ready. You won't have to
10 wait until we walk in with the maps, they
11 will be posted on the website for you to
12 look at.

13 And I hope everybody got a hand-out.
14 We have both current House and Senate
15 districts for this area. We also have
16 information -- these are guesses, these
17 are not accurate yet. These are 1999
18 guesstimates by the Census Bureau for
19 each county. We don't have the county
20 numbers yet, we won't get those until --
21 February, March?

22 MR. TIM HUMPHRIES: March, probably
23 March.

24 MR. OLAN REEVES: We have the state
25 number. The Census Bureau is reporting

1 that Arkansas has 2,673,400 people. So,
2 what that will mean is that each House
3 district will have 26,734 people in it,
4 or should have 26,734 for each House
5 district. Each Senate district should
6 have 76,382, or as close to that as we can
7 get, 76,382 for a Senate district.

8 UNIDENTIFIED MAN: What was the total
9 again?

10 MR. OLAN REEVES: 2,673,400 in Arkansas.
11 That is a 13.7 percent increase over the
12 1990 census numbers.

13 MR. LARRY CRANE: Butch, on the
14 estimates, you might let them know -- in
15 fact, I will let you know. The estimates
16 were built on an assumption that there was
17 an eight percent growth in Arkansas, and
18 as it turns out there was actually 13.8
19 percent growth. So, by definition, the
20 1999 estimates of population that you have
21 in your hand are wrong.

22 MR. OLAN REEVES: Right.

23 MR. LARRY CRANE: Now, they may be
24 equally wrong all over the state.

25 MR. OLAN REEVES: Right.

24 26,734 and what we actually have in each
25 district. That is this deviation.

6

1 By law, we can't have statewide any
2 bigger a deviation than ten percent. We are
3 going to try to get as close to zero as we
4 can. To make every House district 26,734,
5 sometimes that is just not possible, but we
6 are going to do our best. We are going to
7 build -- this thing is built on precinct
8 lines, not townships. The 1990 maps were
9 built on township lines, those don't mean
10 as much as they used to statewide.

11 So, we are going on the precincts as
12 reported by your Clerk to the US Census
13 Bureau. That is what this system is built
14 on, is precinct lines. So, these little
15 lines you see right here, like in 95,
16 96, 97, and 90, that is the precincts as
17 reported by your Clerk to the US Census
18 Bureau. This system will tell us how many

19 whites, how many blacks, how many other
20 minorities within, let's say, District 93,
21 which currently shows 22,575 people as of
22 the 1990 maps.

23 I don't know what 93 will have in it
24 now, but if it doesn't come close to 26,734,
25 of course, District 93 -- or 95, which has

7

1 23,681 has to get bigger, it has to grow
2 in size to make up the difference for the
3 26,734. That is essentially what is going
4 to have to happen to a lot of the districts
5 over here. And it will just depend on where
6 the growth is and what -- and where the
7 growth came from.

8 So, these lines you see between 95
9 and 96, if we were to move a precinct from
10 95 to 96, the computer will do that and
11 automatically compute how many people we
12 move, their race, and a whole bunch of other
13 stuff. It automatically tells us what we

14 have done, without us having to sit down and
15 count those numbers. The computer tells us
16 that. It is fairly easy to do.

17 I understand -- Tim, from the Secretary
18 of State's office, tells me, after we
19 have finished our process, these computer
20 programs will be available for redrawing
21 the county JP districts, and perhaps school
22 district boundaries which have to be
23 examined. Our computer system will do that,
24 as well. So, hopefully, by next Memorial
25 Day, we will have a draft plan on the

8

1 website with new districts proposed so that
2 you can look at it and figure out where your
3 new district lines are going to be.

4 We really came to hear comments from you
5 all about what you like and don't like, what
6 you want and you don't want. That is really
7 what this is about rather than us sitting up
8 here talking. We will answer questions,

9 but we would really like for you to give
10 comments to the Board of what you expect to
11 get out of this process for your part of
12 the state. That is really why we are here.
13 Both Senate and House districts.

14 So, does anybody have anything they
15 want to say? And please identify yourself
16 for the court reporter. Steve?

17 MR. STEVE JONES: Thank you.
18 Steve Jones. I am with the House of
19 Representatives, District 95. From all
20 accounts, it seems that the consensus is
21 that the population growth has been in
22 the northwest sections of the state. How
23 do you see that affecting House districts
24 at this point in the state, and Senate
25 districts?

9

1 MR. OLAN REEVES: Well, I mean,
2 obviously, where you have got growth, you
3 are going to have to -- the districts are

4 going to get smaller, where you have not
5 had growth they are going to have to get
6 bigger. I can't tell you that adding the
7 districts over here in Northwest Arkansas
8 isn't going to affect you, because it is.

9 This is almost like a big bowling
10 game, there is a bunch of pins, and once
11 you knock one down, it has a ripple effect
12 all the way across. We are really going to
13 let the computer do the best we can. We
14 have even talked about preserving majority
15 minority districts. I don't know how many
16 we currently have.

17 MR. STEVE JONES: I think in the House,
18 you have 13.

19 MR. OLAN REEVES: 13. We think that
20 is important to keep those as best we can,
21 understanding that they are going to have
22 to expand in the areas where they are, and
23 maybe some new districts created up here,
24 because they have some growth. But I can't
25 really sit here and tell you that are going

1 to have so many districts new or how we are
2 going to do it. We are going to try to
3 preserve boundaries as best we can, as well.

4 It would be nice if every county could
5 have one Representative, but that is not the
6 way the Constitution set it up, we have 100
7 and not 75. So, it is just going to be a
8 little bit difficult.

9 MR. LARRY CRANE: Butch, the difference
10 is going to be that, right now -- if we can
11 get the numbers up there -- some of those
12 districts have as low as 22,800 or 22,500
13 people in the district.

14 MR. STEVE JONES: I have 23,000 in mine.

15 MR. LARRY CRANE: 95 percent. Remember,
16 we have got plus or minus five percent over
17 what the average is for the variance. 95
18 percent of the 26,700 odd would be 25,350
19 or 60. And that would be pretty much the
20 minimum --

21 MR. OLAN REEVES: That you could have.

22 MR. LARRY CRANE: -- that you could have
23 to make up a House district.

24 MR. OLAN REEVES: See, like District 93
25 has 22,575.

1 MR. LARRY CRANE: It is going to have to
2 have 25 --

3 MR. OLAN REEVES: And it has to have --

4 MR. LARRY CRANE: -- 365.

5 MR. OLAN REEVES: Three something --

6 MR. LARRY CRANE: Yeah.

7 MR. OLAN REEVES: -- to pass
8 constitutional muster, or someone can
9 challenge it. So, that necessarily, by
10 definition, means it has to expand some
11 way, somehow. There is just no other way
12 to do it. But we are going to do our best
13 on the majority minority districts to keep
14 those going.

15 I know you all don't have multimember
16 districts here anymore. That is an issue
17 still in three parts of the state, and we
18 haven't -- the Board hasn't decided exactly
19 what they are going to do about those. We
20 really don't know yet.

21 MR. STEVE JONES: What is the criteria
22 that you use? I mean, you said you were

23 going to rely heavily on the machine. There
24 is another criteria, I assume.

25 MR. OLAN REEVES: There are some things

12

1 that the Supreme Court has said we rely on,
2 compaction, communities of interest. They
3 have to touch, districts have to touch, you
4 can't have District 23 and District 23 with
5 a line between them, they have to touch.
6 You try to preserve communities of interest,
7 and that is why we are going to look at,
8 I think more this time than before, the
9 natural boundaries.

10 I can't say county boundaries, because
11 we are splitting counties now, we have to.
12 But communities of interest, what do these
13 people have in common with this group of
14 people? Last time, there were cities split
15 because township lines split cities. We
16 won't -- we shouldn't have as much of that
17 this year, because they are built on

18 precincts, not townships. So, we will be
19 able to see the city boundaries, as opposed
20 to not having them last time. And that made
21 a big difference in some places. We will
22 have more information, I guess I am trying
23 to say.

24 The compactness. The variance is a big
25 thing, because this affects one person, one

13

1 vote. If I have a district that has 27,000
2 or 28,000 people in it, and a district that
3 only has 24,000, obviously that is a huge
4 difference, and you have got to have a
5 justifiable reason as to why you did that.
6 But statewide, last time it was 9.7, is that
7 right, Tim?

8 MR. TIM HUMPHRIES: Uh-huh. (Indicated
9 yes.)

10 MR. OLAN REEVES: Which passed the
11 challenge from the courts, one of the
12 highest. We are going to try to have that

13 a little more compact this time, and not
14 have it so varied like we did last time.

15 MR. AL ASHCRAFT: I am Al Ashcraft
16 from Wynne, Cross County. Did not the
17 Arkansas Supreme Court strike down
18 gerrymandering?

19 MR. OLAN REEVES: Well, the US Supreme
20 Court did in many cases. North Carolina,
21 several cases.

22 MR. AL ASHCRAFT: What about Arkansas?

23 UNIDENTIFIED MAN: We are gerrymandered
24 to death over here.

25 MR. OLAN REEVES: Well, if you look

14

1 at stuff they did with 81 -- I think it is
2 81 over there, it is the really elongated
3 thing, but all of these districts withstood
4 a court challenge in the Federal Courts.
5 But I will kind of let Tim talk about it.

6 UNIDENTIFIED LADY: What did you say,
7 that they withstood what?

8 MR. OLAN REEVES: A court challenge.

9 COURT REPORTER: I am having trouble
10 hearing.

11 MR. LARRY CRANE: Butch? Excuse me.
12 Butch, we need to talk up so the court
13 reporter can hear. If she can't hear it,
14 she can't have the information to get back
15 to the Board of Apportionment. So, please
16 give your name and please speak as loudly
17 as possible.

18 COURT REPORTER: Thank you.

19 MR. TIM HUMPHRIES: Yes. These
20 districts were approved by the three judge
21 panel of the Federal District Court here
22 in Arkansas. And the appeal was denied
23 through the US Supreme Court. So,
24 essentially, this districting plan was
25 approved by the United States Supreme

15

1 Court back in '91. Actually, the --

2 UNIDENTIFIED MAN: '91?

3 MR. TIM HUMPHRIES: Right. Actually,
4 the final appeal was made in like '93 or
5 '94, something like that.

6 MR. AL ASHCRAFT: I have got a followup.
7 Al Ashcraft, again. I have got a followup
8 on that. Did not the -- when did the US
9 Supreme Court make that ruling, it was after
10 '94, was it not, that gerrymandering was
11 illegal?

12 MR. TIM HUMPHRIES: The United States
13 Supreme Court held that it is a violation
14 of the 14th Amendment to draw districts for
15 a strictly racial purpose unless there is
16 an adequate justification for it. And one
17 adequate justification for drawing majority
18 black districts that are considered to be
19 gerrymandered, would be to comply with the
20 Federal Voting Rights Act. The Federal
21 Voting Rights Act is still in effect.

22 And so, if you draw up districts
23 in such a way that could be considered
24 gerrymandered, but you are doing it to
25 comply with the Federal Voting Rights

1 Act, then the court has held that that is
2 an appropriate justification for drawing
3 districts that may be considered to be
4 irregular. Yes, sir?

5 MR. BILL CRAFT: I am Bill Craft,
6 Poinsett County Judge. My concern is --
7 well, just the way it is now, I am not
8 happy with it. Our dominant town in
9 Pointsett County is Trumann, under the
10 current census I think it is 25 percent
11 of our population, and Trumann is cut
12 off from the rest of us. And the
13 Representative district is tacked onto
14 Craighead County.

15 MR. OLAN REEVES: Right.

16 MR. BILL CRAFT: And that dilutes
17 any strength that we might have in
18 Poinsett County, the population up there.
19 And then, our Senate district is -- and
20 plus, we will have to go into Poinsett
21 County to tie it over to Mississippi County.
22 Again, that has diluted us.

23 Now, I have been the County Judge six
24 years. And every since I have been Judge,
25 when I have called down to the legislature

1 and asked for the Senator for Mississippi
2 County to return my call, he has never
3 returned my call, because he didn't worry
4 about the stuff in Pointsett County.

5 And I don't think it is fair to a town
6 the size of Trumann, which is 25 percent of
7 our population, and Lepanto, which is about
8 almost ten percent of our population. So,
9 we have really had no voice, those two
10 towns. Now, I must say that Representative
11 Trammell has been the Representative of
12 Trumann, he has been a very good of Trumann,
13 but that don't mean the next guy will,
14 because most of their votes come out of
15 Craighead County. And I feel like it is
16 an injustice to Trumann and Lepanto for
17 this to be divided this way.

18 MR. OLAN REEVES: Okay.

19 MR. BILL CRAFT: And Poinsett County,
20 I feel like the majority of our population

21 ought to be in the same district.

22 MR. TIM HUMPHRIES: Sure.

23 MR. BILL CRAFT: And I am sure other
24 counties feel the same way.

25 MR. TIM HUMPHRIES: Yeah. And you

18

1 know, that is a common complaint that we
2 hear. But that is what we are here for,
3 you know. That is what we need to hear.
4 Again, these comments are being taken down
5 by the court reporter, and all of these
6 meetings, the minutes of all of these
7 meetings are going to be posted on our
8 website. Okay.

9 MR. FRANK MARTIN: Frank Martin from
10 West Memphis. I need to speak directly
11 to that. Just the way they separated
12 West Memphis, with over 50 percent of the
13 population in Crittenden County, and we
14 have no citizen representation, because
15 of the way it was gerrymandered.

16 MR. OLAN REEVES: Anybody else?
17 MR. AL ASHCRAFT: Well --
18 MR. OLAN REEVES: Yes, sir?
19 MR. AL ASHCRAFT: Al Ashcraft, again. It
20 was my understanding that they were going to
21 try to draw some straight lines this time.
22 And that has been coming out of the
23 Governor's office, that they were going to
24 draw some straight lines. Is that still the
25 attitude?

19

1 MR. OLAN REEVES: Yes, we are going to
2 try. And until we see the numbers for each
3 county and even each precincts, I can't tell
4 you, "Yeah, we are going to draw that."
5 MR. AL ASHCRAFT: As long as you have
6 got that type of mentality to draw straight
7 lines, that is good.
8 MR. OLAN REEVES: Right.
9 MR. TIM HUMPHRIES: I mean, that is
10 the goal, but I mean, we are constrained by

11 a number of things, legal requirements to
12 draw districts that, for instance, meet the
13 Voting Rights Act requirements.

14 MR. AL ASHCRAFT: I understand that.

15 MR. TIM HUMPHRIES: And population
16 requirements, too. And plus, you know that
17 the precinct boundaries aren't straight
18 lines.

19 MR. AL ASHCRAFT: Right. You have an
20 occasional straight line.

21 MR. TIM HUMPHRIES: Right.

22 MR. AL ASHCRAFT: But county lines
23 are not straight lines.

24 MR. TIM HUMPHRIES: Right. But I
25 understand what you are saying. When you

20

1 say "straight lines" --

2 MR. AL ASHCRAFT: That is what I am
3 saying.

4 MR. TIM HUMPHRIES: -- you are talking
5 about putting them on political --

6 MR. AL ASHCRAFT: Right.

7 MR. TIM HUMPHRIES: -- boundaries or
8 natural boundaries?

9 MR. AL ASHCRAFT: Right. Here is
10 Earle -- here is Wynne, it is a straight
11 shot, and then you have got Earle over there
12 in one district and Parkin and Marion in
13 another district.

14 MR. TIM HUMPHRIES: Right.

15 MR. AL ASHCRAFT: And that is the kind
16 of straight lines I am talking about.

17 MR. TIM HUMPHRIES: Right, right.

18 MR. REGINALD ROBERTSON: Now -- I
19 am Reginald Robertson, Crittenden County. I
20 hear this is in the mail and coming already.
21 But particularly in consideration, I want
22 some guidance on the track lines, like you
23 see in one track onto your boundary lines
24 back in West Memphis, Crittenden County,
25 they are putting in Marion and Gilmore.

1 And maybe Gilmore should be done before
2 they --

3 MR. TIM HUMPHRIES: In the Legislative
4 districts?

5 MR. REGINALD ROBERTSON: Yes. The
6 boundaries -- you know, Marion's population
7 had like 79,000 votes. The vote line is at
8 Marion. And Gilmore had like 20 or 15,000
9 votes. Are you all going to look at that?

10 MR. TIM HUMPHRIES: That is not
11 something that was considered last time. I
12 mean, the census tracks, is that what you
13 are talking about?

14 MR. REGINALD ROBERTSON: I am talking
15 about where you -- where did you get your
16 tracking from, was that done already?

17 MR. TIM HUMPHRIES: The Census Bureau
18 draws the census tracks, and they are done.
19 Yeah, the actual tracks boundaries are done.
20 We don't have the numbers for them yet, but
21 the actual track lines are done.

22 MR. REGINALD ROBERTSON: Last time, we
23 had meetings on boundary lines. I can't
24 remember when it was done, but it to be --

25 MR. TIM HUMPHRIES: I don't know.

1 Each county submitted their own precincts,
2 townships, so on and so forth. And of
3 course, census tracks are a conglomeration
4 of census blocks and block groups.

5 MR. REGINALD ROBERTSON: I know.

6 MR. TIM HUMPHRIES: And that is their
7 own geography that the state really doesn't
8 have much to do with. It is all, of course,
9 based on our county lines and our township
10 lines and our precinct lines. But as far
11 as where they actually put the census track
12 lines, I don't think the state has anything
13 to do with that, or any local group at all.
14 Yes, sir?

15 MR. CHESTER THOMPSON: Chester Thompson,
16 Crittenden County. Are we going to have
17 another meeting once you come up with the
18 proposed lines? I think at that point you
19 will get some pretty meaty comments.

20 MR. TIM HUMPHRIES: Yeah. We are
21 looking at probably sometime in May --

22 MR. CHESTER THOMPSON: Chester Thompson,

23 MR. TIM HUMPHRIES: -- early June, to
24 come back out to this general vicinity. You

know, we will come back out to all of the

1 areas of the state. I can't say we will be
2 right here in this building in West Memphis,
3 but we will be in the area, to show you the
4 maps that we have done. As Butch said
5 earlier, we are going to have them on our
6 website. And so, you will be able to see a
7 map, hopefully that will look something like
8 this on the website, and we will also try to
9 get copies of maps like this out to all of
10 the courthouses in the area so people can
11 look at those. (Indicating.)

12 I had a question over there, and I will
13 get right to you. Sir?

14 MR. LARRY BRYANT: Tim? Larry Bryant,
15 Forrest City Mayor. I remember how we did
16 it in 1990 and all of that, but this time we
17 are going to go by precincts.

18 MR. TIM HUMPHRIES: Yeah.

19 MR. LARRY BRYANT: The question that

20 I -- that comes to mind to me is whether
21 or not, when we go by precincts, will
22 the legislature set it up and follow the
23 guidelines, saying that each precinct will
24 have a voting box and everybody vote by
25 those precincts? If we are going to use

24

1 these numbers on one side, are we going
2 to be -- are we going to do it all the way
3 across the board so that people can track
4 who is voting where, when and how? The way
5 it is now, it is diluted.

6 MR. TIM HUMPHRIES: Yes.

7 MR. LARRY BRYANT: And it is confusing.

8 MR. TIM HUMPHRIES: Yeah.

9 MR. LARRY BRYANT: And a lot of people
10 get left out of the loop. And we had that
11 Florida fiasco --

12 MR. TIM HUMPHRIES: Right.

13 MR. LARRY BRYANT: -- and I don't want
14 to have an Arkansas' fiasco. So, when you

15 all bring something in here, try to at least
16 have something in the legislation that will
17 say that we will do it "X", "Y", "Z" when it
18 comes to the actual voting, regardless of
19 how you draw the districts.

20 MR. TIM HUMPHRIES: Okay.

21 MR. LARRY BRYANT: Because it all needs
22 to be together.

23 MR. TIM HUMPHRIES: Well, that is duly
24 noted and, you know, I will certainly look
25 at something like that. Yes, sir?

25

1 MR. MICHAEL HUGHES: I am Michael Hughes
2 from Marion, just wanting to know if these
3 public meetings will be announced on the
4 website?

5 MR. TIM HUMPHRIES: Yes, these -- yes.

6 MR. LARRY BRYANT: This one was on there
7 this morning.

8 MR. TIM HUMPHRIES: This meeting was
9 on the website. And of course, we sort

10 of called this one later than some of the
11 others. But yes, future meetings will be
12 posted on the website, all of them will.
13 And what we have done is, we have sent press
14 releases to local media. I understand that
15 some of the radio stations have carried
16 stories about it, but not all of the
17 newspapers have, necessarily. And we can
18 send out the press releases, but we can't
19 make them publish them.

20 But we hope, through, you know, those
21 press releases and what does get out, and
22 then through word of mouth, and then pay
23 attention to our website, I really encourage
24 you to look at it from time to time. We
25 are putting new stuff on it all the time,

26

1 especially in our resources and links pages.
2 It has got -- as I run across an article
3 on the Internet, or something like that, I
4 will put it up. And there is a lot of good

5 information that you can find out by the
6 website.

7 MR. FRANK MARTIN: I couldn't download
8 the drafts, though, of the maps. What do I
9 need to download the maps? What software
10 are you using?

11 MR. TIM HUMPHRIES: That, I am not sure.
12 We are going to have -- by the time we get
13 ready to put maps on the Internet, the new
14 maps, we are going to have a reader on
15 there, and that information will be on the
16 web page.

17 MR. FRANK MARTIN: Okay.

18 MR. TIM HUMPHRIES: But I am not --

19 MR. FRANK MARTIN: I tried to download
20 it the other day, Monday, and I couldn't.
21 Now, I could download the information, but
22 couldn't download the maps.

23 MR. TIM HUMPHRIES: So, the current
24 maps, you couldn't download?

25 MR. FRANK MARTIN: Right.

1 UNIDENTIFIED MAN: Well, you know,
2 Mr. Martin's problems may be operator error.

3 MR. FRANK MARTIN: Yeah.

4 MR. TIM HUMPHRIES: Well, that is me,
5 too.

6 UNIDENTIFIED MAN: Be sure the court
7 reporter got that down.

8 MR. TIM HUMPHRIES: You know, this
9 doesn't sound right, as I am thinking about
10 it, but I think Adobe Reader is what you
11 need to download the current maps.

12 MR. OLAN REEVES: Or Acrobat Reader.

13 MR. TIM HUMPHRIES: And I am not real
14 computer literate myself, but this stuff is
15 real easy, I mean, what we are dealing with
16 just really makes it easy.

17 MR. OLAN REEVES: And one thing I will
18 tell you, that the maps you see posted will
19 be drafts, they are not final in any form.
20 Until the Board votes on them, they are not
21 final. So, input is critical once the draft
22 proposals are on there. And even before the
23 Board actually votes on them, we will have
24 gone out to all of the communities and come
25 back to the Board. They will have a full

1 blown hearing. I don't know how long it
2 lasted last time, but there were some groups
3 that came and were still unhappy about the
4 draft proposal that didn't get changed.
5 Some changes were made based on comments we
6 heard from communities just like this when
7 the drafts were brought out.

8 So, it does matter, and we do want
9 to hear what you have say, unhappy, happy,
10 don't like -- like this part, don't like
11 this part. We need to know that, because
12 the Board can't change it if they don't hear
13 it. And even the meeting in Little Rock,
14 the big one where they are all there, they
15 still may need to hear your voice again if
16 you are unhappy about something, because
17 they can still change it, as of that day.
18 It won't be final until they vote on it.

19 MR. TIM HUMPHRIES: This may have
20 already --

21 MR. CHESTER THOMPSON: Chester Thompson,
22 again.

23 MR. TIM HUMPHRIES: Yes, sir?

24 MR. CHESTER THOMPSON: Are you going
25 to change it just because somebody is

29

1 unhappy?

2 MR. OLAN REEVES: No. No, I don't
3 mean that. I mean, if what we have heard --
4 like when I read the transcripts of the
5 last time, there were -- there was a court
6 case actually going on, and so there were
7 things brought up that had to be changed
8 based on what was brought up during that.

9 But we want -- I mean, we want people
10 to understand what we went through to get
11 to this process. And if you are not happy,
12 we want to know about it. I am not telling
13 you they will change it, I am just telling
14 you, we want to know if you are unhappy,
15 and we want to know why you are unhappy,
16 so that maybe we can tell you why we did
17 what we had to do to make this fit, because

18 this is like a big puzzle. But the computer
19 will actually help us tell more information
20 this time than we have ever had before, I
21 think.

22 MR. TIM HUMPHRIES: We -- the staff
23 is going to do the best job that we can,
24 but we are not from West Memphis, we are
25 not from Springdale, we are not from those

30

1 various communities. And sometimes, people
2 who are up there in those areas can come
3 in and show the Board a better way, in
4 such a way that the Board, you know, when
5 it finally votes, it will adopt it.

6 And that is the reason -- that is the
7 way that the computer helps. Because now,
8 it is -- if somebody does show that better
9 way, it is easier, and we have more
10 capability of going in with the computer
11 and actually making it better that way
12 than we did even last time. I mean, we

13 were aided by a computer last time, but
14 our program is much better, I think, this
15 time. Reginald?
16 MR. REGINALD ROBERTSON: First, going
17 back to what the gentleman here said, going
18 back to the straight lines thing, again.
19 Reginald Robertson is my name. Will
20 Senators or Representatives get a chance
21 to make sure they are protected?
22 MR. TIM HUMPHRIES: They will have
23 input -- yes, sure, they will have input.
24 I mean, they always do, they always have.
25 MR. REGINALD ROBERTSON: Input is one

31

1 thing, protection is something else.
2 MR. TIM HUMPHRIES: Well, you know,
3 that is -- like I say, the Board has
4 always in the past listened to what the
5 Representatives have to say.
6 MR. LARRY CRANE: Tim?
7 MR. TIM HUMPHRIES: Now, whether that

8 is at the top of the pecking order on the
9 criteria that they use or not is something
10 that there is no way for us to know at this
11 point in time.

12 MR. LARRY CRANE: One of the
13 considerations that has been held as being
14 a valid consideration in this process is
15 to preserving incumbency, and that is a
16 consideration that is okay. And we will
17 tell you right now, standing here today,
18 we are going to start with these maps.
19 We are not going to start with a blank
20 slate and try and redraw the world. We
21 are going to start with these maps and
22 make the adjustments that have to be made
23 because of the changes in population and
24 such.

25 So, that should give the Representatives

32

1 and Senators some comfort, although there
2 is -- you know, that is not an absolute

3 guarantee that everybody is going to get to
4 stay in their district, period.

5 MR. TIM HUMPHRIES: Another criteria
6 that has been approved by the court is
7 preserving the cores of existing districts.
8 I mean, that is one of the criteria that
9 the courts use. I have got a question over
10 here, first. Didn't I see a hand over here?
11 Okay. Go ahead.

12 MR. GLEN FENTER: Is there anything
13 from a legal aspect that has been changed
14 markedly since the last time when these
15 districts were drawn?

16 MR. LARRY CRANE: What is your --

17 MR. GLEN FENTER: Do you not know
18 anything more about what is acceptable now
19 than you did then? And if so, will that
20 take precedence over some of the things
21 that you might have done in the past that
22 would not still hold up legally today?

23 MR. TIM HUMPHRIES: The law is much
24 more unclear now than it was then. There
25 were some Supreme Court cases in the

1 mid-'90s that considerably muddied the
2 waters for us. In '91, we had the luxury,
3 so to speak, of having a court order that
4 told us to do the districts in a certain
5 way. In the year 2001, we don't have that
6 luxury, we don't have a court order telling
7 us how to do the districts, so we have got
8 to read the cases and kind of see what the
9 legal landscape is.

10 And to tell the truth, it is very
11 unclear, and every commentator that you
12 read, and there are some on our website,
13 will tell you that, that it is just not
14 clear exactly what has to be done. And it
15 looks like the '01 redistricting all over
16 the country is going to be a bonanza for
17 lawyers.

18 MR. LARRY CRANE: If you could give
19 your name when you ask a question, we would
20 appreciate it.

21 MR. GLEN FENTER: Glen Fenter.

22 MR. TIM HUMPHRIES: Yes, sir?

23 MR. AL ASHCRAFT: Al Ashcraft, again.
24 Do you have a -- say, out of the 100 House
25 districts, do you have an idea, percentage

1 or a number, of how many of them are going
2 to need to be restructured under the 95
3 percent rule?

4 MR. LARRY CRANE: 100 percent of them
5 are going to have to be restructured.

6 MR. TIM HUMPHRIES: Yeah, because of
7 the --

8 MR. OLAN REEVES: Until we get all of
9 the numbers, we really can't answer that
10 question.

11 MR. TIM HUMPHRIES: Right.

12 MR. OLAN REEVES: I mean, because it
13 will depend on how much growth in some
14 districts and how little growth in others.
15 And I hate to even venture a guess.

16 MR. AL ASHCRAFT: I mean, they are all
17 pretty close to, say, the 95 percent of
18 26,000.

19 MR. TIM HUMPHRIES: My guess, based
20 on what happened in '91 was, as Larry said,
21 every district will be changed to some

22 extent, you know, some a whole lot. You
23 can go up here where they experienced, I
24 think it is 41 percent growth in Benton
25 County, where they have picked up something

35

1 like -- in Benton and Washington County,
2 they have picked up 7,000 people, 7,800 or
3 8,000 people. Those districts are going to
4 have to shrink geographically.

5 And in these areas where you have
6 experienced zero growth or you have lost
7 folks here, and that has happened in the
8 various parts of the Delta, when you have
9 got to find 2,000 more people to put in the
10 district in the first place and you have
11 lost population and have just held your own,
12 in a state that has experienced 13 percent
13 growth, then the districts are going to have
14 to get a whole lot bigger. Yes, sir?

15 MR. LARRY BRYANT: Tim, Larry Bryant,
16 Forrest City. When will we get the first

17 numbers in? I know that December 31st was
18 supposed to be one point.

19 MR. TIM HUMPHRIES: Right.

20 MR. LARRY BRYANT: The numbers that we
21 can look at that -- or at least the numbers
22 on this page for Forrest City --

23 MR. TIM HUMPHRIES: Right.

24 MR. LARRY BRYANT: -- now, these numbers
25 are not right.

36

1 MR. TIM HUMPHRIES: They are not right.

2 I mean --

3 MR. LARRY BRYANT: They are about a
4 thousand short in my town.

5 MR. TIM HUMPHRIES: Right. And the
6 numbers -- and the number for the state
7 that came out that Butch was talking about
8 earlier shows that that is really way off.

9 MR. OLAN REEVES: Right.

10 MR. TIM HUMPHRIES: Because it shows
11 13 percent growth for the state, and that

12 only shows eight percent growth for the
13 state.

14 MR. LARRY BRYANT: When will --

15 MR. TIM HUMPHRIES: March.

16 MR. LARRY BRYANT: Will it be on your
17 website once you get it so that we can look
18 at the numbers, the actual numbers for what
19 we have now, the real numbers we are going
20 to be dealing with?

21 MR. TIM HUMPHRIES: It will be -- yes,
22 it will be not our website necessarily, but
23 on the Census Bureau website. And I am not
24 exactly sure what they are going to have on
25 their website. The numbers will be

37

1 available in either paper form or on a CD
2 or on another kind of disc from the State
3 Data Center, the Arkansas State Data Center,
4 it is at UALR. And I can't remember their
5 phone number. If I give you the one that I
6 am thinking about, it will be the wrong one,

7 so I better not do that, you will be calling
8 my neighbor or something. But --

9 MR. LARRY CRANE: There is a link off
10 our website to that.

11 MR. TIM HUMPHRIES: There is a link
12 on our website to the Arkansas State Data
13 Center. That is your source for the actual
14 numbers, however you want them. And I know
15 you will want them for Forrest City and for
16 St. Francis County. And I think they will
17 be able to give you that. We will have
18 them, too, we will be sending those numbers.

19 By law, we are required to send the
20 numbers to the various Election Commissions
21 around of the state, so that they can do
22 Justice of the Peace redistricting. So,
23 about that time, we will be -- so, you can
24 work with your local folks in that regard,
25 too. They will be out there available.

1 MR. LARRY BRYANT: They don't always

2 pass that information down.

3 MR. TIM HUMPHRIES: No, I understand
4 that. Yes, sir?

5 MR. LEO CHITMAN: Leo Chitman, a West
6 Memphis citizen. I am concerned about
7 the agendas for the next meeting dates,
8 and also would like you to provide some
9 information about them so we will have
10 some kind of idea about what is going
11 to take place. It will give us an
12 opportunity to have a pre-meeting to
13 talk about the pros and cons, rather
14 than to repeat some of the same things.
15 And I am talking about constructive
16 criticism, not just something to prolong
17 the meeting.

18 MR. TIM HUMPHRIES: Right.

19 MR. LEO CHITMAN: We had asked you to
20 provide some information, and I talked
21 about it at that time to the former State
22 Representative and the Attorney General,
23 and that was when you were talking about
24 computer discs and stuff like that.

25 MR. TIM HUMPHRIES: Uh-huh. (Indicated

1 yes.)

2 MR. LEO CHITMAN: We have never been
3 able to get it. I hope things have changed
4 to the point now that it can be provided and
5 people can get that information for their
6 computers.

7 MR. TIM HUMPHRIES: Right.

8 MR. LEO CHITMAN: And it will help
9 us to understand, and we can look at it
10 hopefully, where we can police this matter
11 regarding that every vote does count.

12 MR. TIM HUMPHRIES: Right.

13 MR. LEO CHITMAN: In much the same
14 way --

15 MR. TIM HUMPHRIES: Well, that
16 information, like I say, is going to be
17 available through the State Data Center.
18 The same information that Board of
19 Apportionment has is going to be available
20 from the Census Bureau through the State
21 Data Center. As far as what we can provide,
22 I am just not sure. I mean, we will put on
23 the website everything we can possibly get
24 on it, I mean, I promise you that. But I

1 I mean, it is a huge data base.

2 MR. LEO CHITMAN: That was the problem
3 last time we talked about it.

4 MR. TIM HUMPHRIES: Right.

5 MR. LEO CHITMAN: I believe it is
6 because the US Census is at the national
7 level, and it was too large at that time
8 to try and break it down to sizes you could
9 use on a small PC of the smaller areas.

10 MR. TIM HUMPHRIES: As I recall, they
11 had a per county cost on the data last
12 time, and I think they will do it the same
13 way this time. I think it is fairly small.
14 I don't think it is prohibitive, especially
15 if a group of people got together and did
16 it. I mean, you know, as I recall, it was
17 \$75.00 a county, I may be wrong about that.

18 MR. LEO CHITMAN: And maybe I can
19 find those down at the library or at the

20 community college out in these areas,
21 because usually you can go down and access
22 that.

23 MR. TIM HUMPHRIES: Right. And we are
24 going to be encouraging -- I am sure the
25 community colleges like this one here will

41

1 have some data available.

2 MR. LEO CHITMAN: I just wanted to raise
3 those concerns for getting information.

4 MR. TIM HUMPHRIES: All right.

5 MR. OLAN REEVES: The one thing that you
6 will have that you didn't have in '90, the
7 maps will be available before we come back.
8 They will be on the website, you can pull
9 that map down. And if you can download it,
10 it actually goes down to the block level.
11 We are not showing it that way, but it does
12 actually go -- you can look at city streets,
13 names, and it tells you how many people
14 live on that side of the street, the left

15 side of the street, the right side of the
16 street, it tells you all of that stuff.

17 That will actually be available before
18 we ever come so you can say, "Why did you
19 split West Memphis," or "Why did you put
20 Marion on this street, or Forrest City,"
21 or whatever it is. You can ask those
22 questions. It will be easier than the '90
23 meetings, I think.

24 MR. LEO CHITMAN: Okay. Thank you.

25 MR. TIM HUMPHRIES: I know that Reggie,

42

1 and perhaps some of the others around in
2 this area, actually had computers and
3 used computer software last time to do
4 what you were talking about there. And
5 in that light, I would like to encourage
6 anybody who is thinking about doing that,
7 you know, buying your own software, we
8 use auto.Bound redistricting. It is a
9 product of Esri Corporation, it runs on

10 ArcView software, it is an extension of
11 ArcView software.

12 And we would encourage anybody, if
13 you are shopping for software, I don't
14 necessarily say, "Buy this," but talk to
15 your vendors and make sure that whatever
16 you wind up with is either this or something
17 that can talk to this, you know, something
18 that, if you give us a plan, that we can
19 easily convert it. Because I mean, the
20 easier it is to convert to what our software
21 is, the better we will be able to evaluate
22 any suggestions that we get.

23 MR. OLAN REEVES: And I think it ran
24 about \$3,500.00, \$3,800.00 per license for
25 the software. It wasn't nearly as expensive

43

1 as it was last time.

2 MR. TIM HUMPHRIES: And it runs on a
3 powerful machine, but it was a desktop PC
4 that I think you can probably buy, you know,

5 locally.

6 MR. LARRY CRANE: You can. You can
7 buy them locally now that are -- that will
8 run this, or you could get a new machine for
9 about 400 bucks that will run it.

10 MR. OLAN REEVES: And for instance,
11 like District 96 and District 95, it shows
12 you that the line runs along ditch number
13 15, right by Interstate 40, it mirrors
14 Interstate 40, and these are the streets
15 in West Memphis where 96 is, and you can
16 actually see the street numbers. And once
17 we get the census data, it will have houses,
18 and tell you how many people live on is
19 this street and how many people live on each
20 block, and how many are in this precinct.

21 Just like this shows district-wise, we
22 will have it precinct-wise, and it will have
23 a breakdown of all of the minority, black,
24 white, the whole bit. I mean, it will be
25 much easier to be able to see what each

1 precinct looks like.

2 MR. TIM HUMPHRIES: I am going to show
3 you, give you an idea of that. You can
4 look at it. (Indicating.) Let's see. Here
5 is a block that bounded by Richland Street
6 on the south, and it shows you the block
7 number and the total population. Oh, I am
8 at the wrong level. Let me get to the block
9 level. Okay. That shows you that that
10 block has 52 people in it.

11 MR. LARRY CRANE: And it is all white.

12 MR. TIM HUMPHRIES: And the racial
13 breakdown of the block.

14 MR. OLAN REEVES: Right. And that is
15 what we will have, precinct by precinct,
16 block by block, when the Census Bureau gives
17 us back that information so that we can
18 instantly know this district has 26,734
19 people, and how many blacks, whites, where
20 they live, the whole bit. And it will be
21 much easier, I think, for you to look and
22 critique based on what you have seen that
23 you don't like about District 96 that we
24 redrew the lines in.

25 And that is what this is designed

1 for, that is why the Board is having
2 these meetings, and we will be coming back
3 out. Any other comments or questions? I
4 really think the next meeting will be more
5 productive, because we will really have
6 more to talk about. We are just trying
7 to let you know about the process will
8 be this time and how it is going to work,
9 and timelines, and so forth.

10 UNIDENTIFIED MAN: Did you say that
11 these maps will be available by May?

12 MR. TIM HUMPHRIES: We hope to have
13 them by Memorial Day. That is posted on
14 the --

15 MR. LARRY CRANE: That is not a
16 guarantee.

17 MR. OLAN REEVES: Yes.

18 MR. LARRY CRANE: That is not a
19 guarantee. Let me say it one more time.
20 That is not a guarantee, that is a target.

21 MR. OLAN REEVES: That is just our
22 goal. The law says we have to have this
23 done by February 1st. Okay? That is what

24 the Constitution says. Well, that is an
25 impossibility, because we don't get the

46

1 numbers from the US Census Bureau until
2 March, so we can't do it.

3 But we are going to do our best to
4 have it done before the summer starts so
5 we can have these meetings in the early
6 summer. So, by September, Labor Day, the
7 Board we will have an idea of what they
8 are going to do. That is really our goal,
9 and that is just our goal. So we will
10 have everything in place a year before
11 the election in November in 2002, we will
12 know what the maps are in November 2001.

13 UNIDENTIFIED MAN: You need to let
14 us know ahead of time in case we need to
15 move.

16 MR. LARRY CRANE: Exactly, exactly.

17 MR. TIM HUMPHRIES: That is --

18 MR. LARRY CRANE: That is really it,

19 that really was the reason.

20 MR. TIM HUMPHRIES: That is the reason
21 for our target date of trying to get this
22 done by October 1.

23 MR. OLAN REEVES: So you will know
24 if you live in District 22 or District 23.

25 MR. LARRY CRANE: Right.

47

1 MR. TIM HUMPHRIES: And a person who
2 wants to run for a Legislative seat has to
3 establish their residence a year before the
4 general election is run.

5 MR. OLAN REEVES: Right. So, if during
6 this time frame you have any questions, you
7 can either log on and ask us the question,
8 we have staffers that staff this office, not
9 any of us, we go over there quite often, but
10 we actually have staffers there. So, if you
11 want to call and ask questions or log on and
12 ask some questions, Shanacee usually answers
13 the phone, but Ron is over there, too, they

14 are in the AEGON Building across the street
15 from the Capitol. That is where our big
16 computers are and the big printer maps.

17 So, if you really have questions that
18 aren't answered by the website, just call
19 them. I would tell you the number, but I
20 can't think of it.

21 MR. AL ASHCRAFT: It is 682-4592.

22 MR. TIM HUMPHRIES: 4592.

23 MR. OLAN REEVES: 682-4592.

24 MR. AL ASHCRAFT: They are very helpful.
25 I have called them twice and they answered

48

1 my questions.

2 MR. OLAN REEVES: Good.

3 MR. AUTHOR WITHERSPOON: My name is
4 Author Witherspoon, and am a JP from
5 St. Francis County. I have been having
6 problems with the JP district, and came over
7 to see if you can help me with that. Who
8 is --

9 MR. TIM HUMPHRIES: Well, as far as
10 your current districts go, the hay is in the
11 barn on that. I mean, you have had the last
12 elections that there are going to be under
13 the current districting plan. We are going
14 to have work stations set up so that after
15 we are through with what we do, we are going
16 to help the County Election Commissions --
17 we are going to offer technical assistance
18 to the various County Election Commissions
19 around the state to help them draw JP
20 districts.

21 If they want us to help them, they will
22 be able to use, you know, a work station
23 that we have set up. We are going to set
24 up a few around the state, at least we are
25 going to try that. And so, again, this is

49

1 going to be an offer that we make to the
2 Election Commissions who are responsible
3 for drawing those JP districts.

4 MR. OLAN REEVES: One thing I will
5 tell you, the Secretary of State and a
6 group, a company out of Fayetteville, has
7 spent the last year making sure that the
8 maps in the county are like the state maps.
9 They have gone county by county, because
10 we found before, some county maps don't
11 match the state maps. And the Secretary
12 of State, through CAST, has spent an
13 inordinate amount of time going county
14 to county to make sure the maps of your
15 county courthouse match the maps that the
16 Secretary of State and the State Election
17 Committee have.

18 And Tim thinks -- we think they have
19 done a pretty good job of making those
20 maps, so that when we redraw the lines,
21 they will have current and accurate maps,
22 and you won't be running for a House
23 district, and the county says you live in
24 the district and state map says you don't,
25 because that happened a couple of times.

1 So, we are going to try to make sure that
2 doesn't happen this time, and I think they
3 have done a pretty good.

4 UNIDENTIFIED MAN: You mean, we can
5 trust somebody in Fayetteville to do that
6 right?

7 MR. OLAN REEVES: They were paid.
8 They were paid well. Any more questions
9 or comments? Well, thank you all for
10 coming. If you all have any questions
11 after we leave, you can call any three of
12 us or call the main number.

13 (WHEREUPON, at 12:49 p.m., the
14 proceedings were concluded.)

15 ---O---

16

17

18

19

20

21

22

23

24

25

SIGN-IN SHEETS.

MAPS.

ATTACHMENT.

C E R T I F I C A T E

STATE OF ARKANSAS)
) ss.:
COUNTY OF PULASKI)

I, DONNA KAYE PETRE, Certified Court
Reporter and notary public in and for the County of

Pulaski, State of Arkansas, duly commissioned and acting, do hereby certify that the above-entitled proceedings were taken by me in Stenotype, and were thereafter reduced to print by means of computer-assisted transcription, and the same truly, and correctly reflects the proceedings had.

WHEREFORE, I have subscribed my signature and affixed my notarial seal as such notary public at the City of Little Rock, County of Pulaski, State of Arkansas, this the 10th day of January, 2001.

DONNA KAYE PETRE, CCR
NOTARY PUBLIC IN AND FOR
PULASKI COUNTY, ARKANSAS
LS CERTIFICATE #125

My Commission Expires:
August 4, 2010.

---O---